<u>REMARKS</u>

Claims 1-3, 9-11, 17, and 19-24 are now pending in this application for which applicant seeks reconsideration.

<u>Amendment</u>

Claims 1-3, 9-11, 17, 19, 21, 23, and 24 have been amended to improve their clarify. See at least paragraphs 93, 99, 100 and Fig. 14 of the published application (USPGP 2004/0205140) for support. No new matter has been introduced.

<u>Art Rejection</u>

Claims 1, 2, 9, 10, 17, and 19-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Turnbull (USP 7,146,412) in view of Inamoro (USPGP 2001/0042101). Claims 3 and 11 were rejected under § 103(a) as unpatentable over Turnbull in view of Inamori and Loughran (USPGP 2002/0129107). Claims 23 and 24 were rejected under § 103(a) as unpatentable over Turnbull in view of Inamori and Dull (USP 7,458,074).

In the last reply, applicant explained that Turnbull does not disclose or teach (1) receiving an update instruction e-mail containing both the second modules and the install script, and (2) activating the install script contained in the received update instruction e-mail and updating the first modules in operation to the second modules contained in the received update instruction e-mail. Applicant also explained that Turnbull does not disclose or teach (3) starting the updating at different timing, at either first timing when the first module does not starts in accordance with the description of the install script, second timing when the first module is caused to stop, third timing when the first module finishes executing, or fourth timing when the monitoring apparatus has just restarted, as set forth in independent claims 23 and 24.

In response, the examiner now alleges that Inamori would have taught the missing features (1) and (2) identified above. Inamori merely discloses sending, via a transmitting computer 14, an email containing data and commands executable by the receiving computer 16 to process the data. Inamori also discloses automatically executing the commands to process the data when the email is received. According to the examiner, Inamori's teaching is applicable to Turnbull's firmware upgrading technique to automatically upgrade the first module (old firmware) to the second module (new firmware) without user intervention.

The pending independent claims now call for:

(a)   when an update instruction e-mail is received, automatically updating first modules, on which the monitoring apparatus operates, to second modules corresponding to description of

the install script contained in the update instruction e-mail, so that the management apparatus enables the first modules to update to the second modules with the update instruction e-mail; and

(b)   sending the version information on the first modules to the management apparatus by return e-mail, so that the management apparatus enables to determine with the return e-mail whether or not the first modules are updated.

Turnbull merely discloses an applet (program) that searches a computing device to determine the current version of its firmware, sends e-mail messages notifying the user (recipient) when an available firmware upgrade is discovered, and downloads and installs the latest upgrade of the firmware. See C3:L13-16, 48-54; C5:L39-42, lines 52-57; and C7:L9-29. Turnbull neither discloses nor suggests that an external device sends an e-mail to the computing device to update the firmware and thereafter receive an e-mail from the computing device to determines whether or not the firmware is updated.

Inamori discloses a contents delivery system having a data transmitter that transmits to a data receiver via an e-mail. Inamori also discloses that contents to be delivered by the data receiver are attached to the electric mail and commands to be executed by the data receiver are written in the e-mail. That is, Inamori merely discloses the data receiver executing the command written in the received e-mail, and processing the contents attached to the same e-mail. See the Abstract.

Loughran discloses a similar technique as Turnbull. Specifically, Loughran discloses receiving e-mail to compile an SMS message that incorporates the received e-mail. See paragraph 37.

Dull merely discloses having a system administrator determining whether or not hardware or software of an end user's computer is required to perform an upgrade and sending installation objects to the end user. Dull further discloses that upgrade objects include a start time field and an end time field.

Applicant submits that none of the applied references would have taught the claimed features (a) and (b) set forth above.

Conclusion

Applicant submits that the pending claims patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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